

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

\*

v.

\*

**Criminal No.: ELH 19-0115**

**GARY HORTON**

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\* \* \* \* \*

**DEFENDANT'S PROPOSED VOIR DIRE**

The Defendant, Gary Horton, through counsel, Julie M. Reamy, respectfully requests that the following interrogation of prospective jurors be conducted pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure.

1. This is a criminal case, which arises out of the allegation that the Defendant, Gary Horton, conspired with certain other individuals to distribute and possess with intent to distribute controlled substances in violation of federal law. The Defendant is also alleged to have possessed certain firearms in violation of federal law. The Defendant is presumed innocent of these charges and remains so, unless and until the Government proves the Defendant guilty beyond a reasonable doubt.
2. Do any of you know, or have you had any dealings with the Defendant, Gary Horton?
3. Do you know, or have you had any dealings with any family members, friends, or associates of the Defendant?
4. Do you know, or have you had any dealings with, any of the following persons or members of their families:

- (a) Me, Judge Ellen L. Hollander
  - (b) Counsel for the United States of America, United States Attorney Anatoly Smolkin or Special Assistant United States Attorney Jeffrey Hann?
  - (c) Counsel for the Defendant, Julie Reamy?
  - (d) The following people who may be witnesses in the case or who may be mentioned by various witnesses: (A list of names will be provided prior to jury selection.)
5. Have you served on a jury panel where any party was represented by any of the lawyers in this case?
  6. Have you, any member of your family or any of your close friends ever been employed by the United States Department of Justice?
  7. Do you know the Acting United States Attorney for the District of Maryland, Jonathan Lenzner, or any employees of the United States Attorney's Office?
  8. Do you know, or are you acquainted with, anyone who is employed in this courthouse in any capacity? If so, who is it that you know and how are you acquainted with this person?
  9. Have you, any member of your family or any of your close friends ever been employed by any law enforcement agency, state or federal, including but not limited to the U.S. Department of Homeland Security, Federal Bureau of Investigation, Drug Enforcement Agency, Baltimore City, or Baltimore County Police Departments? If so, who is it that you know and how are you acquainted with this person?

10. Have you, any member of your family or any of your close friends ever been employed by any law firm, investigative agency or other business which provides services to persons charged or convicted of a crime? Would this affect your ability to be fair and impartial in this case?
11. Do you have an opinion, favorable or unfavorable, concerning the truthfulness or credibility of members of any police department or law enforcement agency?
12. Have you, any member of your family or any of your close friends ever attended law school?
13. Have you ever served on a grand jury in either state or federal court? If so, did anything happen during your service as a grand juror which would affect your ability to be fair and impartial in deciding this case?
14. Have you ever served as a juror at the trial of a criminal case in either state or federal court? If so, in what court did you serve as a juror, what charges were involved in the trial, and what was the result of the trial? Did anything happen during your prior jury service which would affect your ability to be fair and impartial in deciding this case?
15. As a juror you will have to determine the credibility of each witness. Would you necessarily give a witness more or less weight based solely because he or she is called to testify by the Government or the Defendant?
16. Would you give more or less weight to the testimony of a police officer solely because of he or she is a police officer?
17. Are any of you active members of, or participants in, crime prevention committees such as Neighborhood Watch?

18. Would you tend to believe that the Defendant is guilty in this case merely because the Government has brought charges against him?
19. You will be instructed that the Defendant is presumed to be innocent, and that the Government carries the heavy burden of proving every element of every charge in this case beyond a reasonable doubt before the Defendant can be convicted. Is there anything that would prevent you from following that instruction?
20. The Defendant identifies as Asian-American. Is there anything about the Defendant's race that would prevent you from being fair and impartial in this case?
21. Do you have such strong feelings about the type of charges involved in this case that you would not be able to deliver a fair and impartial verdict?
22. Do you have any religious or moral beliefs which would prevent you from judging the conduct of another person?
23. At the end of the next series of questions, I am going to ask that each person who has an affirmative answer to one or more of them to please stand and come to the bench. Please do not rise until all of the questions have been asked.
  - a. Have you, any member of your family or any of your close friends ever been the victim of a crime?
  - b. Have you, any member of your family or any of your close friends ever been arrested, charged, or accused of criminal conduct or ever been the subject of a criminal investigation?

c. Have you, any member of your family or any of your close friends ever been a witness to a crime?

d. Have you, any member of your family or any of your close friends ever been a witness for the prosecution or the defense in a criminal case?

If any of you have a “yes” answer to any or all of these questions, please stand and you will be permitted to answer up here at the bench where the other member of the panel cannot hear you.

24. It is estimated that the trial of this case will take five to seven days to complete, during which the court will be in session approximately six hours per day, Monday through Friday.

a. Are there any personal, family or other considerations which would make it difficult for you to serve as a juror in this case?

b. Are you presently taking any medication which might make you unable to give your full attention to the evidence presented?

c. Do you suffer from any physical condition which would prevent you from sitting as a juror for a long period of time, or which would make it uncomfortable or painful for you to do so?

d. Do you have any impairment of your vision or hearing which may make it difficult for you to see and hear the witnesses during the trial?

25. Do you know of any reason why you could not sit with absolute impartiality to both sides as a juror in this case?

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that on this 2<sup>nd</sup> day of July 2021 a copy of the *Defendant's Proposed Voir Dire* was filed electronically with the Clerk of the U.S. District Court using the ECF filing system and served upon counsel of record for the Government.

\_\_\_\_\_/s/\_\_\_\_\_  
Julie M. Reamy